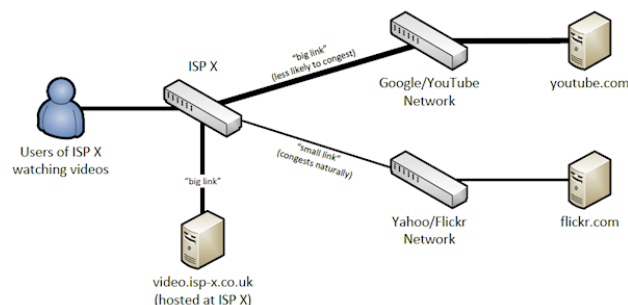


Steve Bruhn

The phrase “Net Neutrality” has become a common political talking point and media catch phrase. The glitz and glamour aside, currently this phrase means that the FCC rules state that when any user turns their computer on, they will have access to every bit of the internet for the same price as any other user. Recently, this accessibility to education, the business market, social media, and a host of other information protected under to numerous to list here has begun to be whittled away. This fight will determine how the Internet either is used as a means to express and ensure citizen freedom throughout the world or limit those freedoms for our generation and those to come.

Internet Service Providers (ISPs) despise the concept of net neutrality as it prevents them from adding cost based on access to certain parts of the Internet. The fear is without net neutrality, ISPs will change the way they charge customers for their services not only on side of the end user, but also businesses which advertise on the net. As illustrated below, the problem for the end user, in this scenario is the limitation of information provided by the local ISP, since the local ISP can alter the bandwidth they provide as they see fit. An ISP may decide they do not want any support for an idea and cut off bandwidth completely or may impose superfluous charges to allow access to certain sites such as flickr.com in this



example. If the ISP wishes to make extra money on both sides they can add additional charges to both the businesses and the users.

This can quickly stifle new business ideas. First we must replace youtube.com in the example with GM and flickr.com with Mom & Pop's Electric Engines (MPEE). Then we can see how the new ideas offered by MPEE, as a fledgling small business who cannot afford significant bandwidth, will have less ability to market their ideas necessary for business success, meanwhile GM, as a large corporate entity, can afford the improved bandwidth and innovation will be stifled if it occurs at all.

Another way to view the negative effects of limiting access of the Internet, we will compare it to the railroad network of the early 1900's. During this time period, large customers, who the railroad needed in order to thrive as they provided the largest percent of the revenue, could convince those who ran the railroads to drive their fledgling competition out of business. They did so by shipping at much lower rates based on their volume than the smaller business could. By shipping at lower rates, the larger businesses, Standard Oil in particular, could sell a cheaper product and effectively kill any competition. The World Wide Web is a similar network; instead of transportation costs it is the cost of information reaching the customer. Without the knowledge of a new product reaching the customer a business need not even begin to worry about shipping, as their idea has already fallen on the deaf ears of the world.

Today's generation uses the Internet, as much or more than previous generations used print or television to express their opinions and points of view on nearly any subject, as it is significantly more available to do so. Poll taxes were eliminated in order to allow freedom of speech through political action. Dismantling

net neutrality can be considered as much of a burden on basic freedoms as it can prevent a certain socioeconomic class from expressing their freedoms of speech, press, and peaceable assembly. ISPs and the corporations that support them should not be able to limit this type of speech any more than the poll taxes that were revoked by the 24th amendment, or the police in EDWARDS V. SOUTH CAROLINA which attempted to limit protestors speech. The difference is the ISPs will have the ability to control speech with money, where the South Carolina police did so with brute force. In both cases free speech can be substantially limited. It is historically true that the lowest social classes will most often have their rights repressed the most. Should the ISPs gain control of what can or cannot be said or accessed on the Internet via price control, the lowest socioeconomic groups are those whom would suffer first and suffer most.

In conflicts throughout the world, people of this generation have come together through social sights such as Facebook and Twitter to fight against oppression and corruption. We share information daily that will lead to future scientific breakthroughs, more advanced mathematics, and even governments better equipped to meet the needs of its constituents through better social sciences. To remove this ability is detrimental to humanity itself and would show no other positive benefit than more money and power in the hands of those who already control well more than their share and therefore need it least.

Article I Section 8 states "The Congress shall have Power...(to) provide for the common Defense and general Welfare of the United States," which implies that the United States government should be making a concerted effort to ensure the

protection of the economy and the protection of the citizens rights and liberties.

Further, since the Internet plays a large part in both interstate commerce and international commerce, the US government should have the jurisdiction to regulate as needed under the commerce clause of the 14th amendment.

Organizations such as the ACLU have found that Internet free speech rights are just as important as other forms of speech, and in 1997 they took that idea to court in RENO V. ACLU. Justice Stephens delivered the opinion of the Court in an 8-1 decision that held:

“...From the publishers' point of view, it constitutes a vast platform from which to address and hear from a world wide audience of millions of readers, viewers, researchers, and buyers. Any person or organization with a computer connected to the Internet can "publish" information. Publishers include government agencies, educational institutions, commercial entities, advocacy groups, and individuals. ⁹ Publishers may either make their material available to the entire pool of Internet users, or confine access to a selected group, such as those willing to pay for the privilege. "No single organization controls any membership in the Web, nor is there any centralized point from which individual Web sites or services can be blocked from the Web..."¹⁰

The court has found in this case that you could not restrict all forms of speech to protect youth from some adult sites, since freedom of speech is such a vital liberty in our society. They also show in the above quote that one of the unique aspects of the Web is that there is no single organization which currently holds the keys. Without net neutrality, this aspect would change. The ISPs could choose who, what, and where anything could be accessed or denied, and could do so while inflating price for certain geographical areas or for certain features.

This topic has now come to influence key political battles as shown by this quote by President Barack Obama:

“...Because most Americans only have a choice of only one or two broadband carriers, carriers are tempted to impose a toll charge on content and services, discriminating against

websites that are unwilling to pay for equal treatment. This could create a two-tier Internet in which websites with the best relationships with network providers can get the fastest access to consumers, while all competing websites remain in a slower lane. Such a result would threaten innovation, the open tradition and architecture of the Internet, and competition among content and backbone providers. It would also threaten the equality of speech through which the Internet has begun to transform American political and cultural discourse."

In December 2010, the FCC began to dismantle net neutrality by removing the neutrality requirement from mobile broadband providers. On Friday, April 8th 2011 the US House of Representatives attempted to pass a bill ending net neutrality by removing the FCC's funding for enforcement of such issues.

These reasons lead me to believe we must protect ourselves with some form of law that would essentially read as follows:

No Internet service provider may regulate the bandwidth from any source or to any customer whether it would be an included or an optional service. Further, neither ISPs, nor the US Government may restrict citizen's access to any site unless deemed to be illegal by formal law. Any site, which the US finds to be illegal, must be removed publically and with the awareness of the population unless it is deemed by the Courts to be a matter of National Security.

Such a law would demand equality among men and in the equality of emerging ideas regardless of the race, creed, or socioeconomic status they came from. This law would also prevent the US Government from eliminating open speech by removing ideas with which it did not readily agree, as it would have to face a firestorm of criticism if they attempted to remove something without the consent of the governed. For the reasons listed above, we must protect this new vital form of communication not just between one another, but also for all peoples throughout the world. Theoretically, this law would be nearly perfect as it would ensure the essential freedoms to the citizens of the community and would have a built in safety net to allow the government to protect the citizens should the need arise.

All of the information in this paper was pulled from the Internet. The Internet is a primary source of information for nearly anyone who wishes to access it, we are already observing in the current generation how education is transitioning from memorization of facts, to learning how to access the information which is all around us in order to add to the greater wealth of information available to everyone. Once this assignment is complete this too will be added to the Internet for others attempting to answer questions and gain knowledge. This openness of information is what will lead our species into the future. Without it we are doomed to repeat our mistakes and forsake our future generations to those who would be content to see them shackled in the bonds of servitude that lower classes have barely begun to remove in this fledgling experiment of democracy.

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